

Consultation with the local community

Zvornik, BiH

July 18th 2009

The consultation was organized by the Anima 2005 Association and the Association of the families of imprisoned and missing members of the Zvornik municipality (BiH) and was attended by 22 participants (representatives of victims' associations, members of families of killed veterans and veterans, non-governmental organizations, local authorities, religious institutions and media. Representatives of the Office of the High Commissioner for Bosnia and Herzegovina, members of the Organization and Security and Cooperation in Europe (OSCE), and the International Center for Transitional Justice (ICTJ) participated in the debate. Consultations were opened by Mevludin Lupić (Association of the families of imprisoned and missing members of the Zvornik municipality, BiH), Branko Todorović, (The Helsinki Committee for Human Rights in Republika Srpska, BiH), and Nataša Kandić (The Humanitarian Law Center), and the discussion was moderated by Vehid Šehić (The Forum of Tuzla Citizens, BiH).

Suggestions, opinions, and recommendations of the participants

Members of RECOM should be morally and professionally well established individuals enjoying public respect. The civil society must have a deciding role in both defining the criteria for the selection of RECOM members and in the actual process of member selection.

Persons to be elected members of the commission should enjoy the undivided support of the society, they should be honourable persons liked by the general public. (Branko Todorović, The Helsinki Committee for Human Rights in Republika Srpska, BiH, Consultation with the local community, Zvornik, BiH, July 18th 2009)

The commission should be composed of ethically credible persons, who are experts in their respective fields and who are able to properly interpret established and verified facts. Why is that necessary? Because we live in a society which is especially exposed to political and religious manipulation by political and clerical elites who try to influence our feelings and opinions whenever possible. (Amir Kulagić from Srebrenica, BiH, Consultation with the local community, Zvornik, BiH, July 18th 2009)

It is important to engage experts, young people, and individuals with high ethical standards. (Zekerijah Hadžić, Association of College Students from Srebrenica, BiH, Consultation with the local community, Zvornik, BiH, July 18th 2009)

The commission must be independent from the influence of its founders and it is important that civil societies in the region have an influential role in defining the criteria and in the member selection process itself. If we allow the participating governments to elect individuals whom they can easily influence, I am afraid we are not going to be able to reach our goal. (Amir Kulagić from Srebrenica, BiH, Consultation with the local community, Zvornik, BiH, July 18th 2009)

It is important to enable perpetrators to speak in public about the crimes they committed in order to help the public find out the truth about these crimes.

Now we can also ask the question about how it will be received in Bosnia and Herzegovina if a war crime perpetrator is given an opportunity to address the commission, and if it is reported by the media for the victims to watch it, and so on (...). Many would say that it is actually (...) a good opportunity for some of the perpetrators to publicly speak about the things he or she participated in or did personally. (Branko Todorović, The Helsinki Committee for Human Rights in Republika Srpska, BiH, Consultation with the local community, Zvornik, BiH, July 18th 2009)

Public hearings of victims and witnesses are indispensable because they can help build a feeling of solidarity with victims so clearly missing at the moment.

Sometimes public speaking (of victims and witnesses) can be, first of all, an invitation to society to build solidarity with victims which we in Bosnia and Herzegovina, obviously don't have today. (Branko Todorović, The Helsinki Committee for Human Rights in Republika Srpska, BiH, Consultation with the local community, Zvornik, BiH, July 18th 2009)

It is necessary to provide for a more active role of civil society organizations in order to form the commission sooner. Once the commission is formed, civil society organizations can monitor its activity.

I think that such gatherings, this type of activity of non-governmental organizations and various other organizations can help speed up the process of forming the commission. (Zekerijah Hadžić, Association of College Students from Srebrenica, BiH, Consultation with the local community, Zvornik, BiH, July 18th 2009)

All states in the region should support the creation of the commission (...). The non-governmental sector from the states in the region should act as a supervisory body for that institution formed by the regional governments. (Zorana Petković, Osvit Radio Station, BiH, Consultation with the local community, Zvornik, BiH, July 18th 2009)

There is a dilemma whether war crimes perpetrators should be granted a general pardon or just offered less severe sentences for the crimes they committed.

I believe that there is no such information, no matter who provides it, that deserves a general pardon (...). The whole point of sentencing is to prevent something like that happening in the future. (Zekerijah Hadžić, Association of College Students from Srebrenica, BiH, Consultations with members of local community, Zvornik, BiH, July 18th 2009)

I think that it is a good example to hear the victims speak (...) but also to allow the war crimes perpetrators to talk. The issue of the level of amnesty should be left for the consideration of professionals (...). The admission of guilt should not necessary lead to a

general pardon. (Mustafa Muharemović, Medglis of the Islamic Community in Zvornik, BiH, Consultation with the local community, Zvornik, BiH, July 18th 2009)

Having in mind the fact that I still have not found the bodies of most of my dead family members, I am in favour of the idea to hear war crimes perpetrators before this commission, but only if they can provide information about mass graves, individual victims, etc. (...) I am 50 years old. I may not have too much time left to wait to find them. Maybe in Srebrenica, many women who lost their children or their husbands don't have time to wait. That is why I think they should be given a chance to speak. It should be up to the commission to decide whether these people should be granted pardon or not. (Amir Kulagić from Srebrenica, BiH, Consultation with the local community, Zvornik, BiH, July 18th 2009)

The mandate of the commission should include the role of the media in preparing for the war.

I think that the role of the media in creating a war-propagating atmosphere in the years preceding the conflict should be clearly pictured (...) and I think that the commission should tackle the issue of the incitement of nationalistic ideologies on all sides. (Samir Paljić, Local community Kula Grad in Zvornik, BiH, Consultation with the local community, Zvornik, BiH, July 18th 2009)

It is necessary that the commission deals with the causes of the war, especially the role of the Yugoslav National Army and the international community.

I believe that the commission should also depict the responsibility and the role of the military leadership, i.e. the General Staff of the Army of the Socialist Federal Republic of Yugoslavia (...). It was the weapons of the Yugoslav National Army that these crimes were committed with. Further, the commission should also investigate the role of the international community in that period, what it was like (...) especially on the territory of Bosnia and Herzegovina, when the arms embargo was imposed upon the unarmed people while all other sides to the conflict were able to obtain arms. (Samir Paljić, Local community Kula Grad in Zvornik, BiH, Consultation with the local community, Zvornik, BiH, July 18th 2009)

The commission should primarily deal with the issue of finding the missing. In order to solve the problem of finding the missing, it is necessary to secure the cooperation of all levels of government, from municipalities to the army and the police.

I welcome every initiative whose goal is to advance the approach to solving our problems, primarily the problem of finding the missing. (Radomirka Duvnjak, The Committee for Finding Missing Persons, Municipal Organization of Killed Veterans in Vlasenica, BiH, Consultation with the local community, Zvornik, BiH, July 18th 2009)

We are still searching for 500 persons from the area of the municipality of Zvornik. In other words, we are trying to locate mass graves. That is the main reason we (the

Association of the Families of Imprisoned and Missing Persons from the Zvornik Municipality) signed the admission form to become members of the Coalition for RECOM. (Mevludin Lupić, (Association of the families of imprisoned and missing members of the Zvornik municipality, BiH, Consultation with the local community, Zvornik, BiH, July 18th 2009)

It is tragic that even 14 years after the end of the war we still have so many missing (...) I think that every victim deserves to be regain his or her identity and a memorial, in other words to be given a proper burial (...) I am sure that local communities in the area where executions were conducted should know where they were buried. I am deeply convinced that this commission should pressure these local communities in the process of searching for the missing persons, including former military and civilian authorities. (Samir Paljić, Local community Kula Grad in Zvornik, BiH, Consultation with the local community, Zvornik, BiH, July 18th 2009)

The commission should work on the creation of a list of victims and perpetrators.

I agree (...) that this commission should name perpetrators of war crimes because ... It is good to have a list of perpetrators of those war crimes if we are going to have a list of victims, regardless of what nation they come from. (Samir Paljić, Local community Kula Grad in Zvornik, BiH, Consultation with the local community, Zvornik, BiH, July 18th 2009)

It is necessary to form a partnership with the media in order to secure an unobstructed information flow to the public about the war crimes committed in the recent wars. The media should also try to dedicate more space to promoting positive stories.

I think that what we need is a serious reform and significant steps forward which includes not only the media dedicating more space to the victims but also to noble acts going on now and those that have happened in the past, recent or more distant past (...) We have heard a short while ago about the role of the media during the war. That is undoubtedly a topic to be researched, but at the same time the media should be burdened with the role of a significant participant in the overall healing process of the society. (Mustafa Muharemović, Medzlis of the Islamic Community in Zvornik, BiH, Consultation with the local community, Zvornik, BiH, July 18th 2009)

We have heard here today on a few occasions that the media are being called to the responsibility and I agree with it that the media can help in the process of establishing the facts about war crimes. (Hiba Ramić, Mezarje Foundation, BiH, Consultation with the local community, Zvornik, BiH, July 18th 2009)

RECOM should be mandated to investigate the role of individuals and institutions.

What is this commission going to deal with, individuals or institutions? I think that it is more important for the commission to deal with institutions because that will lead to

individuals who committed all those war crimes. (Zekerijah Hadžić, Association of College Students from Srebrenica, BiH, Consultation with the local community, Zvornik, BiH, July 18th 2009)

And if you ask me what the commission should deal with primarily, individuals or institutions, well, I think that is inseparable. We have to realize that a war crime is a very sophisticated process which involves ideals, ideologies, instigators, and executors. (Amir Kulagić from Srebrenica, BiH, Consultation with the local community, Zvornik, BiH, July 18th 2009)

RECOM should deal with the acts of individuals but also with the acts of institutions (...) military, civilian defence, Ministry of the Interior (MUP), municipalities (...). Regardless of the nationality of the victims, it was the civilian defence was in charge of collecting and driving away the remains. So, by approaching the institutions, we will reach the responsible individuals or at least those who can help us discover mass graves. (Hiba Ramić, Mezarje Foundation, BiH, Consultation with the local community, Zvornik, BiH, July 18th 2009)

RECOM should cooperate directly with the judiciary.

Most of the crimes committed on the territory of the Zvornik municipality... are being processed in courts. It is an ongoing process and nobody has been found criminally responsible yet. (...) This commission should be able to cooperate closely with the Office of the War Crimes Prosecutors for a more efficient, so to speak, exchange of information and facts about war crimes. (Mevludin Lupić, (Association of the families of imprisoned and missing members of the Zvornik municipality, BiH, Consultation with the local community, Zvornik, BiH, July 18th 2009)

Regional parliaments should adopt legal acts about the use of the facts established by RECOM as evidence in court proceedings.

In the course of these consultations we will have to pay attention to whether the facts established by commission will be admitted in courts as evidence. (...) That may lead to a need for the regional parliaments to adopt decisions which may in turn lead to the adoption of amendments of the Criminal Procedure Code, so that the findings of this commission can be admitted in courts as evidence. (Vehid Šehić, the Forum of Tuzla Citizens, BiH, Consultation with the local community, Zvornik, BiH, July 18th 2009)

RECOM should have three goals: establishing the facts, verifying the facts, interpreting the facts

Why is this commission named 'regional commission for establishing facts'? Very often people ask why its name isn't 'a regional commission for establishing the truth'. Truth is a relative concept and each and every one of us has their own perception of truth. When it comes to Bosnia and Herzegovina, there are at least three different truths (...) that of the Bosniaks, the Serbs, and the Croats, (...). I am more in favour of keeping the name

'regional commission for establishing the facts'. Secondly, this commission should not only (...) remain at the level of establishing the facts because many facts have already been established (...) so that this commission should work on verification of already established facts, especially if those are the facts established by the judiciary in an unbiased judicial process. And thirdly, this commission should strive to properly interpret the established facts. (Amir Kulagić from Srebrenica, BiH, Consultation with the local community, Zvornik, BiH, July 18th 2009)

RECOM should investigate events dating from 1990.

I suggest that we start with the period from 1990. (Hiba Ramić, Mezarje Foundation, BiH, Consultation with the local community, Zvornik, BiH, July 18th 2009)

Victims expect that RECOM will be also mandated to initiate reparations programmes.

RECOM should definitely tackle the issue of reparation programmes for victims. (Mustafa Muharemović, Medglis of the Islamic Community in Zvornik, BiH, Consultation with the local community, Zvornik, BiH, July 18th 2009)

We have to give our contribution to speed up the process so that the victims can receive satisfaction. And satisfaction means having truthful information, bury loved ones properly, have a place where you can go and face yourself, your worst nightmares, your horrible dreams. (Amir Kulagić from Srebrenica, BiH, Consultation with the local community, Zvornik, BiH, July 18th 2009)

Knowing the facts about war crimes committed in the past may prevent their recurrence in the future.

But, please, when it comes to the past, we have to be clear about what really happened. Why? So it should not happen again. If we surrender to the past, stick out a white flag on which anyone can write whatever they please, I am afraid that my son and your children, God forbid, will become new victims. (Amir Kulagić from Srebrenica, BiH, Consultation with the local community, Zvornik, BiH, July 18th 2009)

We want to inform young people about what happened by presenting the established facts about the crimes, thus making them able to take responsibility for the future. (Alma Mašić, Youth Initiative for Human Rights, BiH, Consultation with the local community, Zvornik, BiH, July 18th 2009).